

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re

BKY 16-31678-WJF

Thomas S. Swager, and
Nancy K. Swager

Chapter 13

Debtors.

NOTICE OF HEARING TO APPROVE MODIFIED PLAN

To: The United States Trustee, Gregory A. Burrell, Ch. 13 Trustee and other entities specified in Local Rule 9013-3:

1. The debtors, by their attorney, Michael Sheridan, moves the court for approval of the Modified Plan dated July 26, 2016.

2. The Court will hold a hearing on this Motion on August 25, 2016 at 10:30 AM in Courtroom 2B, 316 N Robert St, St. Paul, MN 55101 or as soon thereafter as counsel may be heard.

3. Any response to this Motion must be filed and served not later than August 19, 2016, which is five days before the time set for the hearing (including Saturdays, Sundays and holidays) UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT HEARING.

4. This Court has jurisdiction under 28 U.S.C. § § 157 and 1334, Fed.R.Bankr.P. 5005 and Local Rule 1070-1. This proceeding is a core proceeding. The petition commencing this Chapter 13 was filed May 20, 2016. The case is now pending in this court.

5. The debtors are requesting that paragraph 1 of the plan be modified to change the monthly payment as follows: 2 payments of \$1,809.00 followed by 49 payments of \$1,812.00 followed by 9 payments of \$2,237.00.

6. The debtors also are requesting that paragraph 6 of the plan be modified to

cure the pre-petition arrears of the Bank of America, second mortgage on debtors' homestead in the amount of \$2,720.13.

Dated: August 1, 2016

Respectfully submitted,

ATLAS LAW FIRM, LLC

By: /e/ Michael J. Sheridan
Michael J. Sheridan (#0388936)
Attorney for Debtors
7900 International Drive, Suite 300
Bloomington, MN 55425
(763) 229-7538

VERIFICATION

Thomas S. Swager, the debtor named in the motion, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Dated: August 1, 2016

s/ Thomas S. Swager
Thomas S. Swager

VERIFICATION

Nancy K. Swager, the debtor named in the motion, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Dated: August 1, 2016

s/ Nancy K. Swager
Nancy K. Swager

Document Page 3 of 7
United States Bankruptcy Court
District of Minnesota, St. Paul Division

IN RE:**Swager, Thomas S. & Swager, Nancy K.**

Debtor(s)

Case No. **16-31678**Chapter **13****PRE-CONFIRMATION CHAPTER 13 PLAN**Dated: **July 26, 2016**.**1. DEBTOR'S PAYMENTS TO TRUSTEE –**a. As of the date of this plan, the debtor has paid the trustee \$ **0.00**.b. After the date of this plan, the debtor will pay the trustee \$ **varies¹** per **month** for **60** months, beginning within 30 days after the relief for a total of \$ **112,539.00**. The minimum plan length is [] 36 or [X] 60 months from the date of the initial plan payment unless all allowed claims are paid in a shorter time.c. The debtor will also pay the trustee: **n/a**d. The debtor will pay the trustee a total of \$ **112,539.00** [line 1(a) + line 1(b) + line 1(c)].¹ **2 payments of \$1,809.00 followed by 49 payments of \$1,812.00 followed by 9 payments of \$2,237.00****2. PAYMENTS BY TRUSTEE** – The trustee will pay from available funds only creditors for which proofs of claim have been filed. The trustee may collect a fee of up to 10% of plan payments, or \$ **11,253.90**, [line 1(d) x .10].**3. ADEQUATE PROTECTION PAYMENTS [§ 1326(a)(1)(C)] – None****4. EXECUTORY CONTRACTS AND UNEXPIRED LEASES [§ 365]** – The debtor assumes the following executory contracts or unexpired leases. Cure provisions, if any, are set forth in ¶ 7.

Creditor

Chrysler Capital

Description of Property

Installment account opened 5/1/2014 Credit Limit: \$15,948.00,

5. CLAIMS NOT IN DEFAULT – Payments on the following claims are current and the debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any.

Creditor

**Bk of America - 1st mortgage
Wfds/wds**

Description of Claim

**18634 Euclid Path, Farmington, MN 55024-8646
2014 Ford Explorer****6. HOME MORTGAGES IN DEFAULT [§ 1322(b)(5) and § 1322(e)]** – The trustee will cure defaults on the following claims secured only by a security interest in real property that is the debtor's principal residence. The debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens. All following entries are estimates. The trustee will pay the actual amounts of default.

Creditor	Amount of Default	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
Bk of America - 2nd mortgage	2,720.13	906.71	4	3	2,720.13
TOTAL					2,720.13

7. CLAIMS IN DEFAULT [§ 1322 (b)(3) and (5) and § 1322(e)] – None**8. OTHER SECURED CLAIMS; SECURED CLAIM AMOUNT IN PLAN CONTROLS [§ 1325(a)(5)] – None****9. PRIORITY CLAIMS** – The trustee will pay in full all claims entitled to priority under § 507, including the following. The amounts listed are estimates. The trustee will pay the amounts actually allowed.

Creditor	Estimate Claim	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
Atlas Law Firm	3,500.00	1,166.67	1	3	3,500.00
Internal Revenue Service	1,397.79	698.90	3	2	1,397.79
MN Department Of Revenue	1,123.19	561.60	3	2	1,123.19
Domestic Support	0.00	0.00	NA	0	0.00
TOTAL					6,020.98

10. SEPARATE CLASSES OF UNSECURED CREDITORS – None

11. TIMELY FILED UNSECURED CREDITORS – The trustee will pay holders of nonpriority unsecured claims for which proofs of claim were timely filed the balance of all payments received by the trustee and not paid under ¶ 2, 3, 6, 7, 8, 9 and 10 their pro rata share of approximately \$ 92,543.99 [line 1(d) minus lines 2, 6(d), 7(d), 8(d), 9(f), and 10(c)].

a. The debtor estimates that the total unsecured claims held by creditors listed in ¶ 8 are \$ 0.00.

b. The debtor estimates that the debtor's total unsecured claims (excluding those in ¶ 8 and ¶ 10) are \$ 92,531.39.

c. Total estimated unsecured claims are \$ 92,531.39 [line 11(a) + line 11(b)].

12. TARDILY-FILED UNSECURED CREDITORS – All money paid by the debtor to the trustee under ¶ 1, but not distributed by the trustee under ¶ 2, 3, 6, 7, 8, 9, 10, or 11 will be paid to holders of nonpriority unsecured claims for which proofs of claim were tardily filed.

13. OTHER PROVISIONS – The trustee may distribute additional sums not expressly provided for herein at the trustee's discretion.

Debtor(s) will make payments to the Trustee in an amount sufficient to pay all timely filed claims in full.

14. SUMMARY OF PAYMENTS –

Trustee's Fee [Line 2]	\$ <u>11,253.90</u>
Home Mortgage Defaults [Line 6(d)]	\$ <u>2,720.13</u>
Claims in Default [Line 8(d)]	\$ <u>0.00</u>
Other Secured Claims [Line 8(d)]	\$ <u>0.00</u>
Priority Claims [Line 9(f)]	\$ <u>6,020.98</u>
Separate Classes [Line 10(c)]	\$ <u>0.00</u>
Unsecured Creditors [Line 11]	\$ <u>92,543.99</u>
TOTAL [must equal Line 1(d)]	\$ <u>112,539.00</u>

Michael Sheridan 0388936
Atlas Law Firm
7900 International Dr Ste 300
Bloomington, MN 55425-2562

Signed: /s/ Thomas S. Swager

DEBTOR

Signed: /s/ Nancy K. Swager

DEBTOR (if joint case)

REVISED 12/15

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re: Thomas S. Swager and
Nancy K. Swager
Debtor(s).

Case No. 16-31678

SIGNATURE DECLARATION

- ☐ PETITION, SCHEDULES & STATEMENTS
☐ CHAPTER 13 PLAN
☐ VOLUNTARY CONVERSION, SCHEDULES & STATEMENTS
☐ AMENDMENT TO PETITION, SCHEDULES & STATEMENTS
☒ MODIFIED CHAPTER 13 PLAN
☐ OTHER: PLEASE DESCRIBE: _____

I [We], the undersigned debtor(s) or authorized representative of the debtor, make the following declarations under penalty of perjury:

1. The information I have given my attorney for the electronically filed petition, statements, schedules, amendments, and/or chapter 13 plan, as indicated above, is true and correct;
2. The Social Security Number or Tax Identification Number I have given to my attorney for entry into the court's Case Management/Electronic Case Filing (CM/ECF) system as a part of the electronic commencement of the above-referenced case is true and correct;
3. **[individual debtors only]** If no Social Security Number was provided as described in paragraph 2 above, it is because I do not have a Social Security Number;
4. I consent to my attorney electronically filing with the United States Bankruptcy Court my petition, statements and schedules, amendments, and/or chapter 13 plan, as indicated above, together with a scanned image of this Signature Declaration;
5. My electronic signature contained on the documents filed with the Bankruptcy Court has the same effect as if it were my original signature on those documents; and
6. **[corporate and partnership debtors only]** I have been authorized to file this petition on behalf of the debtor.

Date: 7/21/16

x

Signature of Debtor 1 or Authorized Representative

Thomas S. Swager

Printed name of Debtor 1 or Authorized Representative

x

Signature of Debtor 2

Nancy K. Swager

Printed Name of Debtor 2

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re

Thomas S. Swager, and
Nancy K. Swager

Debtors.

BKY 16-31678-WJF

Chapter 13

UNSWORN CERTIFICATE OF SERVICE

I, Michael J. Sheridan, declare under penalty of perjury that on August 1, 2016, I mailed copies of the Modified Chapter 13 Plan and signed verification by electronic mail to all filing users in this case, and upon each of the entities named below by mailing to each of them copies thereof by enclosing the same in an envelope with first class mail postage prepaid and depositing same in the Post Office Box at Plymouth, Minnesota, addressed to each of them as follows:

AES/ SUNTRUST
303 PEACHTREE ST NE
ATLANTA, GA 30308-3201

AES/SUNTRUST BANK
303 PEACHTREE ST NE
ATLANTA, GA 30308-3201

AMEX
PO BOX 297871
FORT LAUDERDALE, FL 33329-7871

BBY/CBNA
50 NW POINT BLVD
ELK GROVE VILLAGE, IL 60007-1032

BK OF AMER
4909 SAVARESE CIR
TAMPA, FL 33634-2413

CAPITAL ONE BANK USA N
15000 CAPITAL ONE DR
RICHMOND, VA 23238-1119

CCS/FIRST NATIONAL BAN
500 E 60TH ST N
SIOUX FALLS, SD 57104-0478

CHASE CARD
201 N WALNUT ST # DE1-1027
WILMINGTON, DE 19801-2920

SYNCB/ABT ELECTRONICS
C/O
PO BOX 965036
ORLANDO, FL 32896-5036

SYNCB/HOM
950 FORRER BLVD
KETTERING, OH 45420-1469

SYNCB/JCP
PO BOX 965007
ORLANDO, FL 32896-5007

SYNCB/LOWES
PO BOX 965005
ORLANDO, FL 32896-5005

SYNCB/OLD NAVY
PO BOX 965005
ORLANDO, FL 32896-5005
SYNCB/TOYSRUSDC
PO BOX 965005
ORLANDO, FL 32896-5005

SYNCB/WALMART DC
PO BOX 965024
ORLANDO, FL 32896-5024

THD/CBNA
PO BOX 6497

CHRYSLER CAPITAL
PO BOX 961275
FORT WORTH, TX 76161-0275

CITI
PO BOX 6241
SIOUX FALLS, SD 57117-6241

CREDIT ONE BANK NA
PO BOX 98875
LAS VEGAS, NV 89193-8875

DISCOVER FIN SVCS LLC
PO BOX 15316
WILMINGTON, DE 19850-5316

EXXMBLCITI
PO BOX 6497
SIOUX FALLS, SD 57117-6497

FNB OMAHA
PO BOX 3412
OMAHA, NE 68103-0412

INTERNAL REVENUE SERVICE
PO BOX 7346
PHILADELPHIA, PA 19101-7346

SIOUX FALLS, SD 57117-6497

UNITED CONSUMER FINL S
865 BASSETT RD
WESTLAKE, OH 44145-1142

WELLS FARGO
PO BOX 14517
DES MOINES, IA 50306-3517

WELLS FARGO BANK NV NA
PO BOX 94435
ALBUQUERQUE, NM 87199-4435

WFDS/WDS
PO BOX 1697
WINTERVILLE, NC 28590-1697

KWIK TRIP
1626 OAK ST
LA CROSSE, WI 54603-2308

MN DEPARTMENT OF REVENUE
MAIL STATION 7703
ST. PAUL, MN 55146

Executed on: August 1, 2016

Signed: /s/ Michael J. Sheridan
ATLAS LAW FIRM, LLC
Michael J. Sheridan (#0388986)
7900 International Dr., Ste 300
Bloomington, MN 55425